

Exhibit 73

CITY OF BUFFALO TRAFFIC VIOLATIONS AGENCY

ANNUAL REPORT 2019



COB063531

CITY OF BUFFALO
TRAFFIC VIOLATIONS AGENCY
ANNUAL REPORT 2019

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EXECUTIVE SUMMARY

To the Governor of the State of New York, the President Pro Tem of the New York State Senate, the Speaker of the New York State Assembly, the Mayor of the City of Buffalo, the Buffalo Common Council, the Supervising Judge of the Buffalo City Court, and the Erie County District Attorney:

Pursuant to Part CC of Chapter 58 of the Laws of 2015, I am pleased to submit this report as to the progress, development and operations of the Buffalo Traffic Violations Agency. This report provides statistical data and an examination of the operations and ongoing development of the Agency from January 1, 2019, through December 31, 2019 ("The Reporting Period").



A handwritten signature in black ink, reading "Kevin J. Helfer".

KEVIN J. HELFER
Executive Director
Buffalo Traffic Violations Agency

HISTORICAL OVERVIEW

In 2015, the New York State Legislature amended the New York State Vehicle & Traffic Law, Criminal Procedure Law, State Finance Law, and General Municipal Law, authorizing the creation of the Buffalo Traffic Violations Agency (NYS General Municipal Law, Chapter 58, Part C). On April 12, 2015, Governor Andrew M. Cuomo signed the bill into law. On June 4, 2015, the City of Buffalo Common Council amended the City Charter to establish the Buffalo Traffic Violations Agency (City of Buffalo Local Law 1-2015). After a public hearing, Mayor Byron W. Brown approved the amendment and the Buffalo Traffic Violations Agency became effective upon filing with the New York Secretary of State on June 15, 2015.

Now entering its fifth year of operation, the Buffalo Traffic Violations Agency commenced operations on July 1, 2015. Prosecution and adjudication of non-misdemeanor traffic violations within Buffalo city limits transferred from the New York State Department of Motor Vehicles (DMV) to the agency. The Buffalo Traffic Violations Agency assists the Buffalo City Court in the disposition and administration of specific traffic infractions that occur in the City of Buffalo in violation of the Vehicle & Traffic Law, Transportation Law, and Thruway Regulations of the State of New York. Uniform Traffic Tickets are prosecuted pursuant to the Criminal Procedure Law of the State of New York. The agency has no authority with respect to matters constituting misdemeanors or felonies, and has no jurisdiction over violations constituting parking, standing, or pedestrian offenses.

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MISSION STATEMENT

TO ENHANCE PUBLIC SAFETY BY ENCOURAGING DRIVER RESPONSIBILITY AND PROMOTE A "SAFE BUFFALO"

Guided by the Governor's Traffic Safety Committee, the Buffalo Traffic Violations Agency is committed to cultivate responsible driving, encourage safe pedestrian behaviors, and to reduce the number of traffic fatalities and severe injuries.

The Buffalo Traffic Violations Agency's goals are to:

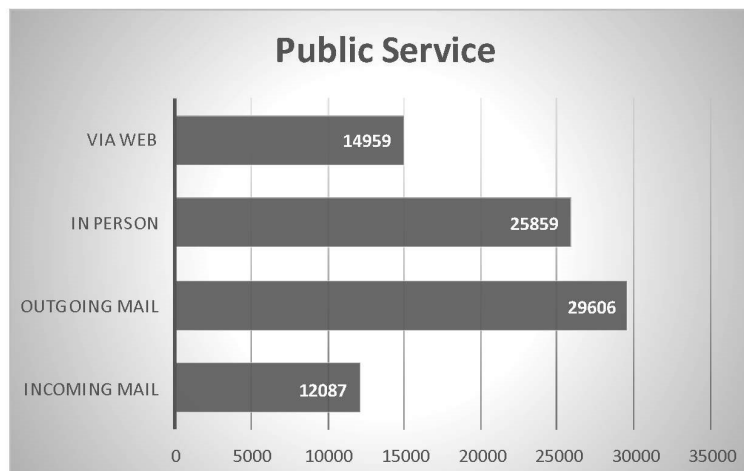
- Deter dangerous driving behavior through driver improvement education
- Decrease recidivism of high-risk motorists
- Reduce the number of unlicensed drivers by encouraging proper licensing
- Promote awareness of the rules of the road
- Educate motorists and learner-motorists
- To increase safe, healthy, equitable mobility for all

OPERATIONS: Public Service

Moving violations in the City of Buffalo that result in the issuance of a non-misdemeanor Uniform Traffic Ticket are answerable to the Buffalo Traffic Violations Agency (with certain enumerated exceptions). All traffic violations are prosecuted in conformance with the New York State Vehicle and Traffic and Criminal Procedure Laws. The agency handled 25,229 new tickets within the reporting period. The Buffalo Traffic Violations Agency serves three distinct functions: Public Service, Prosecutor Office, and Traffic Court.

PUBLIC SERVICE

The agency serves the City of Buffalo, a municipality having a population of approximately 260,000. The agency office is located at 65 Niagara Square, Buffalo, NY, in room 115. Upon the issuance of a Uniform Traffic Ticket, motorists may answer to the agency in person or by mail. The agency is open to the public Monday through Friday except for recognized holidays. Walk-in hours are from 8:30 am until 4:00 pm. General information is available to the public by visiting the agency's webpage. The office is accessible to the physically disabled. During the reporting period, the Buffalo Traffic Violations Agency served 25,859 members of the public in person and handled 12,087 pieces of incoming mail and 29,606 pieces of outgoing mail. 14,959 visitors viewed the agency's webpage.



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OPERATIONS: Prosecutor

PROSECUTOR'S OFFICE

City Traffic Prosecutors review charges and offer answering defendant-motorists an opportunity to plea to reduced charges when warranted and within the Traffic Prosecutors' established plea recommendations. Prosecutor Conferences are held on non-Court days during normal business hours by appointment; walk-in conferences are handled on a first come first served basis. The prosecutors may either craft plea agreements on a case-by-case basis or offer no plea and set a matter for judicial hearing. Upon the entry of a reduced plea agreement, fines and surcharges are assessed.

Personal appearances are required for motorists charged with violations of Uninsured Vehicle, Unlicensed Driver, Commercial Motor Vehicle (CMV) violations, all accident tickets, junior license holders, and Speeding violations 30mph or more over the speed limit.

UNINSURED

A conviction for an uninsured motor vehicle can be up to \$1,500 and result in mandatory license revocation for one year. Due to these severe consequences, motorists ticketed for operating an uninsured vehicle may not plea by mail and must appear at the Agency to meet with the prosecutor. This practice has promoted financial and driver responsibility as well as adding an extra layer of review to maintain accuracy in prosecution and fair sentencing.

UNLICENSED

Over 10% of the tickets that are filed with the Agency are for Unlicensed Operation. Unlicensed Operation may result from a motorists not holding a valid license, not holding the proper class of license, or operating a motor vehicle while a license suspension is in effect. The Agency is committed to driver education and expressing the importance of motorists obtaining and maintaining the proper license credentials. Unlicensed drivers are educated on how to clear up suspensions and how to sign up, study, and pass the road test.

COMMERCIAL MOTOR VEHICLES (CMV)

The Buffalo Traffic Violations Agency is committed to do its part to help maintain our existing infrastructure and make Buffalo roadways safer for the public and the CMV industry. Federal and State laws exist to protect our roads, highways, and bridges from excessive damage caused by overweight commercial vehicles. Educating CMV drivers and fleet owners promotes compliance with safety requirements, financial responsibility, and stresses the importance of safe CMV operation.

OPERATIONS: Prosecutor

- At least 39% of large truck occupants killed in crashes were not wearing a seatbelt
- Speed was a factor in 20% of truck crashes with at least one large truck occupant fatality
- 39% of fatal crashes involving a large truck occurred in metro areas
- 30% of fatal crashes in work zones involved a large truck
- 6% involved large truck driver distraction as a factor, of which 16% was related to cell phone use

Source: Federal Motor Carrier Safety Administration

ACCIDENTS

Victims in accident cases may be an injured individual or property that has been damaged. Victim assistance is of the utmost importance when screening accident cases in the Agency. Accident investigation reports are carefully reviewed and insurance information is verified. Witnesses may be interviewed and called in for testimony at trial if necessary. Leaving the scene of a fatal or personal injury accident could result in a 6-month DMV revocation of one's license.

JUNIOR LICENSES

After having held a learner's permit for at least 6 months, teens may apply for a junior driver's license. The teen must also have completed a pre-licensing course and 50 hours of practice driving. Teens must schedule and pass a road test, then will be issued a junior driver's license. The DMV's Graduated License Law places restrictions on drivers under 18 years of age who have a junior learner permit or junior driver license.

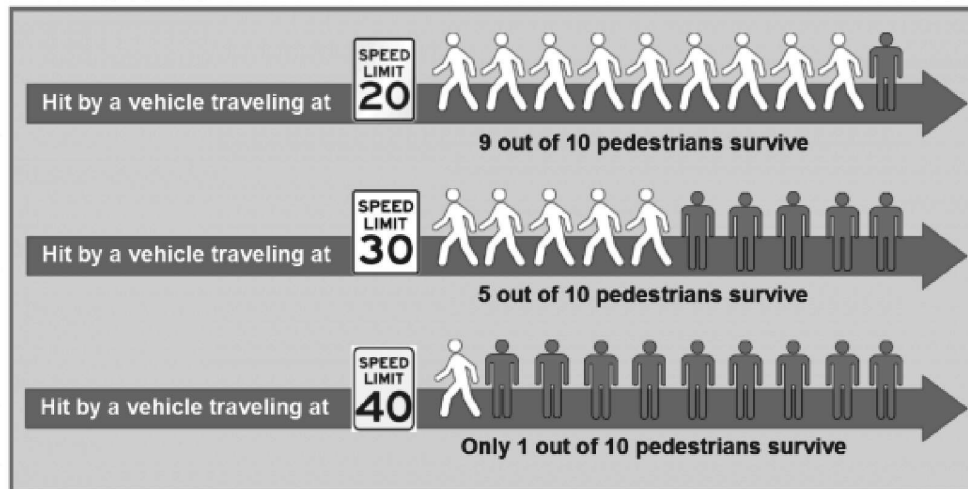
If a young driver who holds a junior license is convicted of one serious traffic violation or two other violations the junior license privileges will be suspended for 60 days. The DMV defines a "serious traffic violation" as a violation that carries three or more driver violation points. Young motorists meet with the prosecutor to discuss the importance and compliance with the restrictions of a junior license as well as the serious ramifications of committing traffic infractions. Junior license holders may be offered a reduced plea that is contingent on the completion of an intensive driver safety class.

EXCESSIVE SPEEDING

Mandatory appearance for high Speeding violations is designed to educate speeding motorists about the safety concerns and personal consequences of Speeding. The faster motorized vehicles are traveling, the more likely they are to kill or seriously injure the people they run into. The faster an object is moving, the longer it takes to stop and the greater the impact of the vehicle. Slowing cars just a few miles an hour saves lives.

A pedestrian hit by a car at 40 mph has a 90% fatality rate; at 20 mph the fatality rate decreases to 10%. As you can see in the graph below, just a small reduction in speed has a dramatic effect on whether those involved live or die.

OPERATIONS: Prosecutor



Three Speeding convictions in an 18-month period could result in a 6-month DMV revocation of one's license. A Speeding conviction of 30mph or more over the speed limit carries at least 6 points. If a motorist receives six or more points on their driving record in 18 months the DMV will impose a Driver Responsibility Assessment Fee. Failure to pay the Driver Responsibility Assessment Fee could result in further DMV sanctions, including license suspension. Repeat Speeding offenders may be offered no reduced plea if recidivism continues.

OPERATIONS: Traffic Court

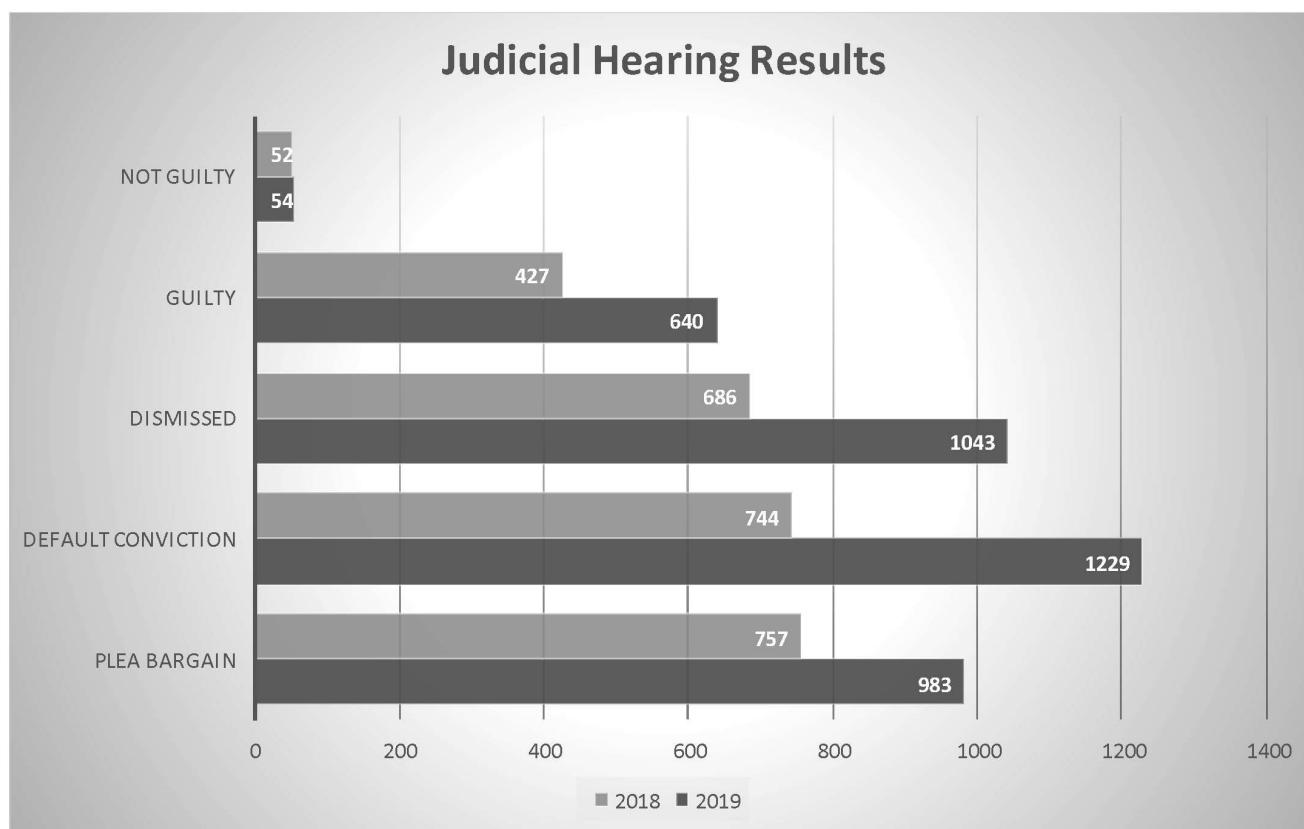
TRAFFIC COURT

Motorists may enter a plea in person or by mail. Motorists pleading not guilty are offered a reduced plea (if qualified). If a plea offer is declined or the prosecutor determines that the motorist does not qualify for a plea, a motorist is scheduled for a court hearing before a Judicial Hearing Officer. A Judicial Hearing Officer is an experienced Judge with special training in the Traffic Laws. A Judicial Hearing Officer has the authority to render a verdict on the matter and to set a fine if a motorist is found guilty.



OPERATIONS: Traffic Court

During the reporting period, judicial hearings were held two to four times per week in Part 3 of Buffalo City Court. Each court day consisted of a 9:30 am and 2:00 pm session. The prosecutor's office is responsible for requesting law enforcement officers to testify at judicial hearings. Of approximately 7,096 cases that went to hearing during the reporting period, 9% were found guilty; 1% were found not guilty; 14% accepted a reduced plea offer prior to court; 15% were dismissed or covered by other charges as part of a plea or court decision. All others matters were adjourned or rescheduled. Records of all court hearings are maintained by the Traffic Violations Agency.



DEFAULT CONVICTIONS

Motorists who fail to appear at a scheduled judicial hearing are subject to default conviction. Likewise, motorists who fail to answer a Uniform Traffic Ticket (subsequently failing to enter a plea), are subject to default conviction. Upon the entry of a default judgment, a motorist is found guilty of all charges and is assessed the maximum statutory fines and surcharges. The Buffalo Traffic Violations Agency adjudicated 1,263 cases as default convictions during the reporting period.

OPERATIONS: Internal Tools

DATABASES AND PROGRAMS

The Buffalo Traffic Violations Agency utilizes multiple information databases to process each case. Staff are trained to use The Courtroom Program (case management software), Department of Motor Vehicles databases, and common word processing and spreadsheet programs.

Tickets issued by law enforcement are transmitted to the agency in one of two ways. Traditionally, a hand-written ticket is completed in duplicate form. The conformed copy is issued to the defendant-motorist and the original ticket is filed with the Court. The agency received 370 hand-written tickets during the reporting period. The majority of Uniform Traffic tickets are transmitted electronically via Traffic and Criminal Software (TraCS). The ticket information is then transmitted to the DMV Traffic Safety Law Enforcement and Disposition (TSLE&D) system, then catalogued and distributed to the Court through the New York State Office of Court Administration. Likewise, adjudicated tickets are transmitted through TSLE&D to the Department of Motor Vehicles for disposition.

ENFORCEMENT/COMPLIANCE

Upon the failure to timely answer a ticket, the Buffalo Traffic Violations Agency may commence suspension of a motorist's license. Failure to appear at an adjourned date, hearing, or failure pay a fine may also result in license suspension. The Agency cleared 6,884 suspensions or impending suspensions during the reporting period. Delinquent fines ninety (90) days or older are subject to the filing of a civil money judgment in the Erie County Clerk's Office. During the reporting period, 433 civil money judgments were filed.

PRIVACY & CONFIDENTIALITY

The federal Driver's Privacy Protection Act (DPPA) designates certain information in motor vehicle records as Personal Information. Personal information includes a motorist's photograph, social security number, date of birth, driver license number, non-driver ID number, name and address, telephone number, and medical or disability information. In an effort to protect the personal information of our citizens, motorists appearing in person must present valid photo identification to obtain case information, or otherwise, a notarized statement authorizing the Agency to release such personal information. All plea-by-mails require a notarized acceptance of the reduced offer thus maintaining that personal information is protected.

SERVICES

INTERPRETATION SERVICES

The Buffalo Traffic Violations Agency utilizes a subscription to Language Line, a telephone language translation service to assist foreign speakers over the telephone and in person. If interpretation services are required during judicial hearings, a court-certified interpreter is requested through the Buffalo City Court.

LanguageLine®
Personal InterpreterSM



POINTS REDUCTION/DRIVER IMPROVEMENT

Traffic prosecutors may require a motorist to complete a driver improvement course as part of a reduced plea agreement. Motorists are referred to DMV approved classroom or online courses. Course topics include accident prevention, defensive driving, aggressive driving deterrence, and alcohol & drug use avoidance. This course promotes safe driving, and may offer the benefit of possible insurance discounts and points reduction. Erie Community College (ECC) also offers classroom driver safety courses. ECC's Driving Programs Division is the largest provider of safety training in New York State with more than 30 years of experience in delivering services to the judicial, substance abuse, safety, and general community. Course content discusses defensive driving techniques, and updates class participants on New York State laws to help the traffic violator improve his/her attitude toward driving. The agency may refer motorists to ECC's iDrive Program or Risk Intervention Program. iDrive Traffic School is a three-hour dynamic course specifically tailored to 16-25 year old traffic violators. The design of the course is to engage and motivate participants to be responsible, caring and knowledgeable drivers. The Risk Intervention Program is a unique four-week traffic safety course for persistent or severe violators.



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STAFF

EXECUTIVE DIRECTOR

General Municipal Law Sec. 374-a and Section 6-24(1) authorizes the Mayor of the City of Buffalo to appoint an Agency Executive Director, subject to confirmation by the Buffalo Common Council. The Executive Director is responsible for the oversight and administration of the Agency and to establish rules, regulations, procedures and forms as deemed necessary to carry out the functions of the Agency and the collection of delinquent fines.

The Agency is headed by Kevin J. Helfer, Executive Director. Mr. Helfer also serves as the City Commissioner of Parking. Mr. Helfer previously served as Councilmember on the Buffalo Common Council, Director of Erie County Contract Compliance, Commissioner of the Erie County Department of Social Services, and board member of the Buffalo Urban Renewal Agency.

JUDICIAL HEARING OFFICERS

Upon recommendation of the Mayor of the City of Buffalo, the Eighth Judicial District Administrative Judge shall appoint any Judicial Hearing Officers to preside over matters at the Buffalo Traffic Violations Agency. Judicial Hearing Officers have the same powers as a judge of the Buffalo City Court [Vehicle and Traffic Law Sec. 1690(1-a)].

The Hon. Rose H. Sconiers, was reappointed as Judicial Hearing Officer effective January 1, 2019. Justice Sconiers is a former judge of the Buffalo City Court, Justice of New York State Supreme Court for Erie County, and Justice of the Appellate Division for the Fourth Department. Justice Sconiers holds a JD from SUNY at Buffalo.

The Hon. Joseph A. Fiorella, was reappointed as Judicial Hearing Officer effective January 1, 2019. Judge Fiorella served as a Buffalo City Court Judge from 2001 to 2017. He previously served as a hearing officer for the City of Buffalo Parking Violations Bureau and the Niagara Frontier Transportation Authority.

ADMINISTRATOR

The position of Administrator Traffic Violations Agency is a competitive civil service position. The position was adopted in February 2016 and was filled on a temporary basis. In August 2016, an open competitive exam was held for permanency in this position and a civil service eligible list was created. In March 2017, the permanent position was filled by current Administrator, Danielle S. Morgera.

Ms. Morgera is responsible for supervision of subordinate staff, operational management, and court coordination. Ms. Morgera's experience includes work as a paralegal, call center manager, and office manager. She holds an M.S. in Multidisciplinary Studies from Buffalo State College and a B.S. in Legal Studies from Hilbert College. She volunteers for and serves on various community organizations.

STAFF

TRAFFIC PROSECUTOR

General Municipal Law Sec. 370-a(2) defines "Traffic Prosecutor" as an attorney duly admitted to practice law in the State of New York, who is responsible to prosecute traffic infractions returnable before the Buffalo City Court, within jurisdictional and statutory limitations. The Traffic Prosecutors are accorded the same powers as a District Attorney. During the reporting period, the Buffalo Traffic Violations Agency has employed several traffic prosecutors.

Robert P. Johnson served as the Buffalo Traffic Violations Agency's sole, full-time traffic prosecutor at the commencement of the reporting period. Mr. Johnson has vast experience working as a defense attorney in the Buffalo area. Mr. Johnson holds a J.D. from Cleveland State University.

In September 2019 Octavio Villegas was appointed as the Buffalo Traffic Violations Agency's sole, full-time traffic prosecutor. Mr. Villegas previous served the City of Buffalo in the Law Department before joining the Buffalo Traffic Violations Agency. Mr. Villegas holds a J.D. from SUNY Buffalo Law School.

SUPPORT STAFF

TRAFFIC AGENCY REPRESENTATIVES

The Buffalo Traffic Violations Agency employs two Traffic Agency Representatives, which are competitive civil service positions. Traffic Agency Representatives are tasked with the duties of bench court clerk, managing and coordinating judicial hearing schedules, and may serve in a supervisory capacity in the absence of the Administrator.

TRAFFIC AGENCY CLERKS

During the reporting period, the Buffalo Traffic Violations Agency employed five (5) Traffic Violations Agency Clerks, which are a competitive civil service position. In May 2017, one clerk was promoted to a position in another department and this vacancy was filled from the eligible list adopted in January 2017.

LEGAL SECRETARY

The position of Legal Secretary is a competitive civil service position. In March 2019, an open competitive exam was held and an eligible list was adopted in May 2019. In October 2019, the permanent position was filled. The Legal Secretary supports all functions of the prosecutor's office.

SENIOR TRAFFIC COURT CLERK

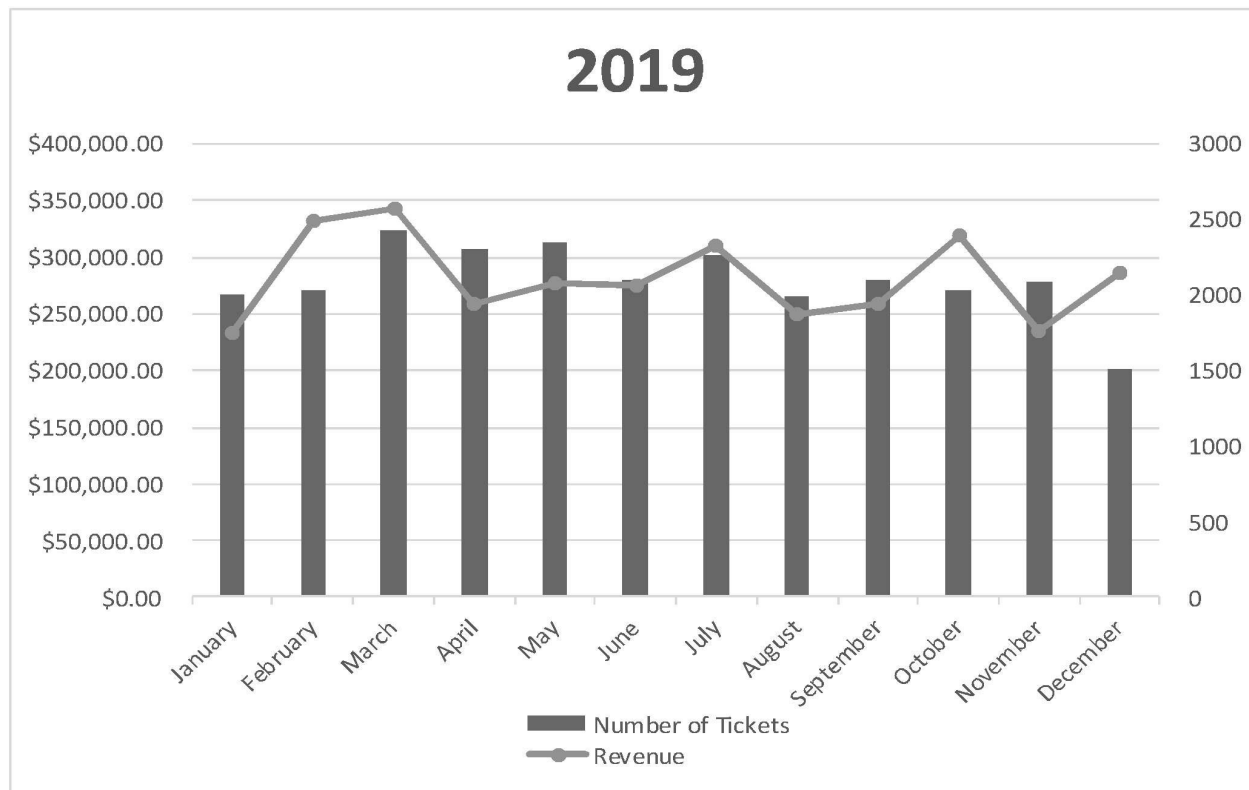
The position of Sr. Traffic Court Clerk was adopted in July 2019 and filled on a provisional basis. An open competitive exam will be held in the future to establish an eligible list for permanent placement in this position. The Sr. Traffic Court Clerk is responsible for all scheduling and management of Traffic Court.

COMPARATIVE STATISTICS

| COMPARATIVE STATISTICS | 2018 | 2019 |
|---|-------------|-------------|
| TOTAL UNIFORM TRAFFIC TICKETS | 24,814 | 29,142 |
| TOTAL CASES | 16,042 | 19,185 |
| Transferred to Buffalo City Court | 1,661 | 1,403 |
| LICENSE SUSPENSIONS | | |
| Released Suspensions or Impending Suspensions | 6,884 | 5,271 |
| CORRESPONDENCE | | |
| Number of Outgoing Pieces | 22,366 | 29,606 |
| Total Cost of Outgoing Pieces | \$13,889.55 | \$22,982.63 |
| Number of Correspondence Pieces Received | n/r | 12,087 |
| NUMBER OF MAYOR'S 311 MATTERS | 65 | 215 |
| DEFAULT CONVICTIONS | | |
| Trial in Absentia | 744 | 1,263 |
| Failure to Answer | 378 | 1,109 |
| Civil Money Judgments Filed | 485 | 804 |
| TOTAL DOLLARS COLLECTED | | |
| Gross Revenue | \$3,049,202 | \$3,384,013 |
| New York State Distribution | \$388,843 | \$471,414 |
| Net Revenue | \$2,660,359 | \$2,912,600 |
| TOTAL DOLLARS OUTSTANDING (unpaid cases) | \$1,938,831 | \$2,335,998 |
| TOTAL MANPOWER DOLLARS SPENT | | |
| Regular | \$449,620 | \$420,655 |
| Overtime | \$56,779 | \$67,260 |

n/r = Not Reportable for the Period

FINANCIAL REPORT



| Month -- Year | Gross Revenue | State Distribution | Net Revenue |
|----------------|---------------|--------------------|--------------|
| January 2019 | \$234,353.00 | \$38,202.00 | \$196,151.00 |
| February 2019 | \$332,172.00 | \$61,651.00 | \$270,521.00 |
| March 2019 | \$343,476.00 | \$59,036.00 | \$284,440.00 |
| April 2019 | \$258,379.00 | \$42,554.00 | \$215,825.00 |
| May 2019 | \$278,164.86 | \$32,592.00 | \$245,572.86 |
| June 2019 | \$275,165.74 | \$36,974.74 | \$238,191.00 |
| July 2019 | \$311,250.70 | \$39,087.00 | \$272,163.70 |
| August 2019 | \$250,565.00 | \$26,093.00 | \$224,472.00 |
| September 2019 | \$258,969.00 | \$28,813.00 | \$230,156.00 |
| October 2019 | \$320,144.00 | \$36,393.00 | \$283,751.00 |
| November 2019 | 234,858.00 | 29,458.00 | \$205,400.00 |
| December 2019 | 286,516.00 | 40,560.00 | \$245,956.00 |

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